

REC'D 25 JAN 2005

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31 MAY 2005

Applicant's or agent's file reference 122967x292	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No. PCT/NZ2003/000262	International Filing Date (day/month/year) 27 November 2003	Priority Date (day/month/year) 28 November 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ G06F 17/30		
Applicant BYTALUS LIMITED et al		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

- This report contains indications relating to the following items:

- | | | |
|------|-------------------------------------|---|
| I | <input checked="" type="checkbox"/> | Basis of the report |
| II | <input type="checkbox"/> | Priority |
| III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| IV | <input type="checkbox"/> | Lack of unity of invention |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI | <input checked="" type="checkbox"/> | Certain documents cited |
| VII | <input type="checkbox"/> | Certain defects in the international application |
| VIII | <input type="checkbox"/> | Certain observations on the international application |

Date of submission of the demand 21 September 2004	Date of completion of the report 13 January 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer J.W. THOMSON Telephone No. (02) 6283 2214

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1 to 26	YES
	Claims	NO
Inventive step (IS)	Claims 1 to 26	YES
	Claims	NO
Industrial applicability (IA)	Claims 1 to 26	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)Citations

D1 - US 2002/0078034 A1 (CHO et al) 20 June 2002

D2 - GB 2388450 A (HEWLETT PACKARD) 12 November 2003

D3 - WO 2001/027816 A1 (BEA SYSTEMS) 19 April 2001

D4 - WO 2000/008568 A1 (DRYKEN TECHNOLOGIES) 17 February 2000

D2 to D4 are deemed representative of the state of the art, cited 'A' in the ISR.

Novelty (N) of Claims 1 to 26

Claims 1 to 26 are novel when compared to prior art documents D1 to D4 as none of these disclose all of the essential features of the claimed invention.

For instance D1 (see figure 1 and paragraph 10) does not teach an assessment by the query response software of whether the delivered information can be successfully employed by the user. This distinguishes the claimed invention from systems which rely upon user input to determine whether the delivered information is useful. This assessment of relevance inherently involves integers which cannot be implied from the citations.

Inventive Step (IS) of Claims 1 to 26

Claims 1 to 26 contain an inventive step when compared to D1 to D4 in the light of common general knowledge for similar reasons as above.

Industrial Applicability (IA) of Claims 1 to 26

The claimed invention has industrial applicability in the field of information technology.

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
P, A GB 2388450	12 November 2003	29 April 2003	8 May 2002

This citation is mentioned in Box V

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claims 1 to 26.

The claims are unclear as to what 'identity information' actually identifies. For instance it is not clear whether it identifies a user, a particular query or something else.

2. Claim 21 is unclear.

The claim is for a 'method of information **retrieved** adapted to execute the steps [...]' which makes the noun ambiguous. Perhaps this should be a 'method of information **retrieval**'